



## **PRACTICE DIRECTION No. 10 of 2020**

- 1. DRAWING UP AND FILING OF JUDGMENTS AND ORDERS**
- 2. FORM OF ORDERS MADE BY THE COURT APPROVED AS TO FORM AND CONTENT OR WITH THE CONSENT OF THE PARTIES**
- 3. PROVISION OF ORDERS OF THE COURT BY THE CLERK OF COURT**

### **Preamble**

This Practice Direction is to be read in conjunction with Grand Court Rules Order 42, rules 5 and 5A as those rules relate respectively to the provision of orders, filed with the Court, by the Clerk of Court; to the drawing up and filing of judgments and orders; and to the form and contents of orders of the Court made with the consent of the parties to a cause or matter.

### **Drawing up and filing of Judgments and Orders (GCR. O.42, r. 5 and r.5A)**

1. GCR Order 42, r. 5 deals with the drawing up and filing of orders. Rule 5(5) provides that the attorney for the successful party shall draw up the order and circulate it to the attorneys for the other parties who shall endorse it "*approved as to form and content*". Paragraphs (6) and (7) then provide what is to be done by the Clerk of the Court upon receipt of a draft order depending upon whether it complies with paragraphs (6) or (7) or rule 5A. In keeping with these rules the following practice shall apply:
  - (i) Every judgment or order should be dated with the date upon which it is made. A judgment or order is made when the judge pronounces it.
  - (ii) The attorney responsible for drawing up a judgment or order should include the date upon which it was made in the draft which is presented for signature. Unsigned draft orders must not be sealed.



(iii) The date upon which a judgment or order is filed in the Registry should be the date upon which it is signed. After having been signed the judgment or order will be sealed with the respective Court seal and the date of filing will be inserted either by the judge or a Court Registry official.

**2. Form and content of orders made by the Court approved as to form and content by the parties or with the consent of the parties (GCR. O. 42, r.5(5) or r.5A(3)).**

Orders encompassed by these rules should be in the following format:

Under the style of cause:

“IN CHAMBERS/IN OPEN COURT/RESPECTIVE DIVISION

DATE OF ORDER

BEFORE HON. JUSTICE

ORDER or ORDER BY CONSENT OF THE PARTIES

(as the case may be)

UPON hearing counsel for the applicant etc.

IT IS HEREBY ORDERED THAT:

DATED the

FILED the

\_\_\_\_\_  
JUDGE OF THE GRAND COURT or

\_\_\_\_\_  
CLERK OF THE COURT (as the case may

be)



And on a separate page, not forming part of the Order, with signatures as required:

“Approved as to form and content by the parties”

OR

“By consent of the parties”

(as the case may be).

3. **Order 42 r.5(8) provides:**

***“The Clerk of the Court shall notify the party who drew up the judgment or order when it has been filed and shall provide such party with as many sealed copies as he may require upon payment of the prescribed fee.”***

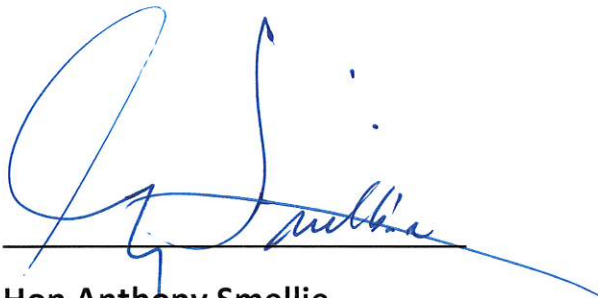
The obligation of the Clerk of the Court is to notify the successful party (through his attorney), who drew up the draft order, that the order has been filed and to provide copies to that attorney. There is no requirement to notify and/or supply copies to other parties. However, in light of the Court of Appeal’s recent pronouncement in ***H.E.B. Enterprises Limited et al v Bernice Richards (as PR of Estate of Anthony Richards Deceased)*** Judgment delivered 21 September 2020; this practice should be enhanced and the practice will accordingly be as follows:



*The Clerk of the Court shall supply copies of sealed orders to the attorneys of all parties (or to any party acting in person) rather than just to the party who has submitted the draft order.*

4. Practice Direction No.2 of 1999 and Practice Direction No. 2 of 2006 are hereby repealed and replaced.

**Made this 29<sup>th</sup> Day of September 2020.**



**Hon Anthony Smellie**  
**Chief Justice**